

**BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON IN LEGISLATIVE SESSION ASSEMBLED:**

**THAT,** At the general election to be held in this state on Tuesday next succeeding the first Monday in November, 1962, there shall be submitted to the qualified voters of this state, for their approval and ratification, or rejection, an amendment to Article IV of the Constitution of the State of Washington, by adding thereto a new section to be numbered section 2(a) of Article IV, which shall read as follows:

*Section 2(a). When necessary for the prompt and orderly administration of justice a majority of the Supreme Court is empowered to authorize judges or retired judges of courts of record of this state, to perform, temporarily, judicial duties in the Supreme Court, and to authorize any superior court judge to perform judicial duties in any superior court of this state.*

**BE IT FURTHER RESOLVED,** That the Secretary of State shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election, in some weekly newspaper, in every county where a newspaper is published throughout the state.

Passed the House March 9, 1961.

s/John L. O'Brien

Speaker of the House.

Passed the Senate March 9, 1961.

s/John A. Cherberg

President of the Senate.

## AFFIDAVIT

STATE OF WASHINGTON }  
COUNTY OF THURSTON } ss.

JOHN A. PETRICH being first duly sworn deposes and says that:

I am a duly elected member of the Senate of the Legislature of the State of Washington, and am Chairman of the Committee on Judiciary of that body.

The said Senate Committee was vested the primary responsibility for Committee consideration of H. J. R. No. 6. After consideration of this Resolution, the Committee recommended its passage by the Senate with certain amendments thereto, and it was so passed. H. J. R. No. 6 as so amended made the Resolution applicable to the Supreme Court only. Thereafter, the House of Representatives refused to accept the Senate amendments and a conference committee was appointed consisting of Senators John A. Petrich, Joe Chytil, and William A. Gissberg and Representatives Shirley R. Marsh, Slade Gorton, and J. Bruce Burns. This committee was given the power of free conference, and the Resolution was rewritten as appears by exhibit "A" hereof, and was passed by the legislature, and now requires approval by the electorate of the State of Washington at the next general election.

The principal purposes of this Resolution was:

- (1) To provide a method for relieving the burden of work of the Supreme Court, by adding temporary members from time to time.

- (2) To provide a full Court of nine members for en banc hearings wherein any member or members are unable or are otherwise disqualified to sit on a particular case.
- (3) To eliminate any doubt as to the constitutionality of the Court Administrator Act, which permits the transfer of Superior Court judges within the State.

There are no written minutes of hearings or deliberations of the aforesaid Committee and no written Committee report, although there are entries of the Senate Journal when the resolution was before the body.

There is attached hereto a full, true and correct copy of H. J. R. No. 6 as the same was passed by the legislature March 9, 1961.

Dated this 24th day of March, 1961.

s/John A. Petrich

Subscribed and sworn to before me this 24th day of March, 1961.

s/Kenneth N. Gilbert

Notary Public in and for  
the State of Washington,  
residing at Olympia.

## EXHIBIT "A"

## HOUSE OF REPRESENTATIVES

State of Washington  
Office of the Chief Clerk  
Olympia

## HOUSE JOINT RESOLUTION NO. 6

As Amended by the Free Conference Committee  
and Passed by the Legislature March 9, 1961

BE IT RESOLVED, BY THE SENATE AND  
HOUSE OF REPRESENTATIVES OF THE  
STATE OF WASHINGTON IN LEGISLA-  
TIVE SESSION ASSEMBLED:

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1962, there shall be submitted to the qualified voters of this state, for their approval and ratification, or rejection, an amendment to Article IV of the Constitution of the State of Washington, by adding thereto a new section to be numbered section 2(a) of Article IV, which shall read as follows:

*Section 2(a). When necessary for the prompt and orderly administration of justice a majority of the Supreme Court is empowered to authorize judges or retired judges of courts of record of this state, to perform, temporarily, judicial duties in the Supreme Court, and to authorize any superior court judge to perform judicial duties in any superior court of this state.*

BE IT FURTHER RESOLVED, That the Secretary of State shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election, in some weekly newspaper, in every county where a newspaper is published throughout the state.



## AFFIDAVIT

STATE OF WASHINGTON }  
COUNTY OF THURSTON } ss.

SHIRLEY R. MARSH being first duly sworn deposes and says that:

I am a duly elected member of the House of Representatives of the legislature of the State of Washington, and am chairman of the Committee on Judiciary-Civil of that body.

The said House Judiciary-Civil Committee was vested with primary responsibility for committee consideration of H. J. R. No. 6. After consideration of this Resolution, the Committee recommended its passage by the House of Representatives, and it was so passed; said H. J. R. No. 6 was amended in the Senate to, in essence, make the Resolution applicable to the Supreme Court only. The House of Representatives refused to accept the Senate amendments and a conference committee was appointed consisting of Senators John A. Petrich, Joe Chytil, and William A. Gissberg, and Representatives Shirley R. Marsh, Slade Gorton, and J. Bruce Burns. This committee was given the power of free conference and the Resolution was rewritten as appears by exhibit "A" and was passed by the legislature.

The principal purposes of this Resolution, as declared by members of the Judiciary Committee, was:

- (1) To provide a method for relieving the burden of work of the Supreme Court;
- (2) To insure compliance with the provisions

of the Washington statute which provides that decisions in cases submitted to the Supreme Court shall be by concurrence of a majority of the judges hearing the case.

There are no written minutes of hearing or deliberations of the aforesaid Committee and no written Committee report.

There is attached hereto a full, true and correct copy of H. J. R. No. 6 as the same was passed by the legislature March 9, 1961.

Dated this 24th day of March, 1961.

s/Shirley R. Marsh

Subscribed and sworn to before me this 24th day of March, 1961.

s/Kenneth N. Gilbert

Notary Public in and for  
the State of Washington,  
residing at Olympia.